

**IVINS CITY  
PLANNING COMMISSION  
MINUTES  
November 17, 2015  
435-628-0606**

**1) WELCOME AND CALL TO ORDER**

**CHAIRMAN AND COMMISSIONERS:** The meeting was called to order at 5:30 p.m. All present included Chairman Jeff Loris, Commissioner Lance Anderson, Commissioner Adel Murphy, Commissioner Mike Scott, and Commissioner Bryan Pack.

**Staff Attending:** Dale Coulam-City Manager/Attorney, Kevin Rudd-Building and Zoning Administrator, Sharon Allen-Deputy City Recorder.

**Audience Attending:** James Pilney, Ruth Ann Pilney, Steven Roberts, Wayne Pace, Tim Anderson, Marianne Sorensen, Claudette Larsen, Rob Roush, Lisa Rutherford, Mary Jones, Doug Little, Rob Reid, Renel Jones, Stan Castleton, David Castleton, Chris Hart, Katie Cando, Ron Densley, Brett Henke, David Park, Chuck Flood, as well as others who did not sign in.

**A. Acknowledgement of Quorum**

**B. Flag Salute--Commissioner Adel Murphy**

**C. Invocation--Commissioner Bryan Pack**

**D. Disclosures**

**Commissioner Lance Anderson** disclosed that he has the final plats for Taviawk subdivision on the agenda. **Chairman Jeff Loris** disclosed that he is employed by Rosenberg and Associates, who is doing work for Rocky Vista University, but he is not involved in the project.

**2) REPORTS AND PRESENTATIONS-- None**

**3) BUSINESS LICENSES -None**

**4) PUBLIC HEARING AND ACTION ITEMS**

**A. Public Hearing on a proposed Concept Master Plan for Rocky Vista University, located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim Anderson-Applicant. Freesh Metro-Owner.**

**Kevin Rudd** stated this property is approximately 30+ acres. The Concept Master Plan is for all phases. The Conditional Use Permit is for only Phase 1, which is the ten-acre parcel on the Southwest corner of this project. Future phases will require additional review and approval. The buildings are proposed commercial and the other section is proposed multi-family and housing for the University. They show five single family dwellings that would provide a buffer between the single family homes on the north side of 200 North. The Master Plan requires the Planning Commission to make a recommendation to City Council. On the Conditional Use Permit, it is a Class IV and the Planning Commission has final approval on that. The special height exception is a recommendation to City Council. The site plan would be for future development. We would use this as the plan for the project and if it changed significantly it would require amending that plan. The plan shows 400 East continue from Center Street to 200 North. Depending on the traffic report there may need to be a roundabout or light at Center Street and 400 East. The Blood family has 30+ acres, which is also zoned commercial, so when that develops there would likely need to be a traffic device to enter and exit 400 E. and Center Street. They have also purchased the clinic across the street and will use it as part of the University and they would ask for a crosswalk signal to safely cross Center Street.

Rocky Vista University is a private health/science University offering professional medical degrees. Their main campus is in Parker Colorado. This would be a second campus. The Conditional Use Permit is for the first ten acres and specifically for this first building. It is a 105,000 sq ft building, two story, with auditoriums, a library, classes, the clinic and labs. Parking access for the students is from 200 East. The zoning of this property has the two lower pieces zoned C-1 and the upper piece RE-43. Just to clarify, educational uses are allowed in both of those zones. This Public Hearing is not to decide if it can go here, it is an allowed use, but to assure that the uses comply with our requirements for this type of use. The landscape they're proposing is desert landscaping and trees. They are all local to this area. The building materials shown on an example board includes concrete, stucco, metals. The signage will go on the corner of Center Street and 200 E. There are examples of other site signage showing parking, etc. The construction plan on this building is to begin in January or February and should be completed within 14 months. The traffic study has not been completed yet, but they have traffic counts that our City Engineer has reviewed. Their lighting plan is compliant. The site plan of the building shows the elevation as seen from 200 E. It is a two-story structure across the entire front. The materials are concrete, stucco and metals. Oz Architects spent a lot of time out here walking the site and looking at it. The building height is below 35 feet but the north side of the entry feature extends to 44 feet. That will require a special exception. It does comply with our design guidelines. They lowered the auditorium so that the view angle will go along that side of the building. The building is setback from Center Street 100 Feet and the distance to the front of the architectural entrance feature is 160 feet. They purposely designed it so it sits under the view angle. There is emergency access for the firetruck and public safety is happy with this plan. **Commissioner Bryan Pack** inquired if the left hand turns are going to be an issue as far as volume. **Kevin Rudd** stated the majority of parking would come out onto 200 E. or 400 E. There will be no further widening of Center Street. If a roundabout is decided to be necessary at Center Street and 400 East, it will be pushed off to the North and there will be an offset to make that work. **Commissioner Adel Murphy** inquired if the goal is to have the majority of the students housed on the property. **Tim Anderson** stated how the market evolves will determine the housing. **Commissioner Lance Anderson** is worried about the crosswalk and shutting down Center Street for pedestrians. **Katie Cando** with Oz Architects stated that she is very excited about this building and showed the proposed range of materials. They picked them to complement the beautiful scenery not to compete with it. The glazing on the project will be non-reflective. There will also be some wood elements. **Dale Coulam** stated that RVU has lessened the pedestrian traffic by moving their clinic operations to the first floor of the main building. **Chairman Jeff Loris** opened the Public Hearing for both the Concept Master Plan and the Conditional Use Permit. **Mary Jones** stated that she shares concerns about the traffic along Center Street. Is there any talk of a bridge-over? **Dale Coulam** stated that the Council has not considered that at this time. **Mary Jones** stated she would like them to consider a walk-over. **Doug Little** stated that you have two (2) two-story buildings on either side of the street. He also suggested doing a cross-over. **Tim Anderson** stated that the current clinic building on the South side of Center Street will be used as administrative offices for finance and such. **Doug Little** stated that it will be a great addition to the community and he will be interested to see how housing develops for all of them. That will be an issue for the staff. They will have to commute or have facilities on-site. He would encourage on-site facilities. **Lisa Rutherford** stated that she too is concerned about the traffic on Center Street after the ultimate build-out. It has been eluded to that Vista traffic is already a nightmare but it is an awful lot to

load up and put on that road. **Tim Anderson** stated that these are valid points but this particular use will have a controlled flow and has certain hours and coming and going at certain times. There could be other commercial uses there that could be all hours of the day and night. We are certainly mindful of being a good solid citizen and the parking is further to the back and off of Center Street. He clarified that there were two classes of 125 students, not 185, and that the 3rd and 4th year students are not on campus as often. **Dale Coulam** stated that although these are valid concerns to address as we go forth as a City they would not prohibit the Condition Use Permit because they are part of our own master plans. We have this area zoned commercial which generates a lot of traffic. We have 400 E. on the Master Plan and when traffic counts warrant it, a roundabout at 400 E. as well. In negotiating with Rocky Vista University, we have talked about acquiring the ROW for that roundabout to deal with those issues and think ahead. This is actually a significant decrease in traffic from what normal commercial would generate. **Lisa Rutherford** inquired that since we know it will add traffic and there is discussion of a roundabout, couldn't we do it now? **Dale Coulam** stated only if someone is willing to donate around \$750,000.00. We are looking towards and planning for that. **Kevin Rudd** stated that the first phase wouldn't necessitate the roundabout. It maybe be in the future phases. Staff is working on preserving the ROW, and the Bounds are negotiable to that when it is necessary. TRC does bring this forward to you with recommendation for approval and it is in substantial compliance with requirements of Chapter 19 for both the Conditional Use Permit and the Concept Master Plan. **Chris Hart** stated that the Transportation Master Plan calls for a planted median on Center Street all the way to 200 E that will lessen areas for the crosswalks. It is located from where it ends on Parkway to 200 E. It is not in the budget as of yet. **Ron Densley** stated that one of the reasons that the University came here was the bus route with SunTran. That will alleviate traffic as well. Hearing no other comments, **Chairman Jeff Loris** closed the Public Hearing.

**B. Public Hearing on a proposed Class IV Conditional Use Permit for an Educational Facility for Rocky Vista University, located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim Anderson-Applicant. Freesh Metro-Owner.**

**C. Discuss and Consider Recommendation on Concept Master Plan for Rocky Vista University, located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim Anderson-Applicant. Freesh Metro-Owner.**

**Commissioner Lance Anderson** inquired what portions they are discussing in the Master Plan? **Dale Coulam** stated that the top is zoned RE-43 and the bottom is Commercial. **Kevin Rudd** stated that we would be approving both sections. They both allow educational facilities. **Commissioner Lance Anderson** inquired if this is strictly for the use for the University. They can't rent them as short-term rentals or anything like that? **Kevin Rudd** stated if they decided they wanted to rent it out, they would have come change that to a mixed-use overlay on the project. **Commissioner Lance Anderson** they would have to take the chance to do a mixed use overlay. It is allowed for housing for the University but not allowed for short-term rentals. **Kevin Rudd** stated that any future use will have to be clarified. School use is an allowed use, but if they want flexibility they'd have to go through the process again. **Commissioner Lance Anderson** stated he would not recommend a pedestrian bridge. He would recommend a tunnel. Is it possible to move that pedestrian walk closer to the roundabout? **Dale Coulam** stated that anyone has that option now. **Commissioner Lance Anderson** inquired how does the University generate money for the City? Sales Tax? **Dale Coulam** stated very little in sales tax. There will be an increase in property tax, impact fees, and bringing in additional residential and commercial

to the City. You will see increased support of existing businesses and RVU will be providing employment opportunities as well. The revenue will pay for improvements that the City will be doing. **Commissioner Lance Anderson** stated that Center Street is a minor arterial which should handle traffic but Vista isn't designed for the flow. **Dale Coulam** stated Vista school is really an unfair comparison because these students will not have parents coming in and dropping them off and picking them up. **Commissioner Bryan Pack** stated the idea is not to use the existing clinic building as anything for the school. Can we make that a condition? **Dale Coulam** stated their new plans actually show that. The Planning Commission has a written list of conditions and that is in their specific conditions.

**MOTION: Commissioner Adel Murphy moved to approve the Concept Master Plan for Rocky Vista University, located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim Anderson-Applicant. Freesh Metro-Owner.**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

**D. Discuss and consider approval on a proposed Class IV Conditional Use Permit for an Educational Facility for Rocky Vista University located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim Anderson-Applicant. Freesh Metro-Owner.**

**Dale Coulam** stated that the Conditional Use Permit comes forward with a written List of Conditions that attorneys for the City and RVU have agreed upon. It also refers to a development agreement that is nearly finalized; this would be approved by the City Council on Thursday.

**Commissioner Bryan Pack** asked about RVU helping to mitigate any pedestrian issues when it opens, and not the City. **Dale Coulam** stated that pedestrian traffic is primarily our issue and the vehicle traffic is the Transportation Master Plan. We have to provide a safety mechanism for a crosswalk there or people can go to the roundabout and a median there as further protection. We have put in the conditions that the City will put in the crosswalk and the flashing lights. Rocky Vista University will do the traffic study and help deal with the vehicles. **Commissioner Bryan Pack** stated he is probably okay with it, but he wanted to bring up the issue. **Dale Coulam** stated if the uses change significantly then it will require another meeting. **Commissioner Adel Murphy** stated that the presentation states that the first Phase will be in substantial completion of what is presented. That is part of the Conditional Use Permit. **Commissioner Bryan Pack** stated that we need to all agree that this is what we consider the substantial part. **Commissioner Lance Anderson** inquired if the road going the East side of the Veterans home is an alley way but they won't connect at all? **Chairman Jeff Loris** stated no they won't connect. It is just an alley. **Commissioner Lance Anderson** stated that as a suggestion for a pantone roof color he would go with 412 or 212 CP. It decreases shadowing on your roof. The colors and architecture is important. **Chairman Jeff Loris** inquired if there were any other changes? **Dale Coulam** stated to make sure to incorporate the list of conditions in the motion.

**MOTION: Commissioner Bryan Pack moved to approve a proposed Class IV Conditional Use Permit for an Educational Facility for Rocky Vista University located on the North side of Center Street from 200 E. to 400 E. (32 acres) Rocky Vista University/Tim**

**Anderson-Applicant. Freesh Metro-Owner, incorporating the written list of conditions, as presented.**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

**E. Public Hearing on a Proposed Preliminary Plan for 44 Single Family (Villas) Home Sites at Sentierre Resort at approximately 800 Tuacahn Dr. (42.75 Acres) Parkway Partners, LC-Owner/Applicant.**

**Kevin Rudd** stated that this is the preliminary plan for the villas section of the project. There is a total of 44 of them, the same number as in the Conditional Use Permit. The only change is they took one units from the South end and moved it to the North end. It is in substantial compliance and the changes are not significant enough to amend the Condition Use Permit. Before there were 5 casitas and they have reduced it down to three. That is not part of the Preliminary Plan being considered tonight. **Dale Coulam** stated that some of the units have decreased and that will be addressed in an overall development agreement. This is a phased development and the development agreement will allow them to record one or more lots. We won't be addressing anything regarding the resort tonight and the Planning Commission's recommendation to the Council should be subject to the approval of the development agreement. We sent a red-lined copy to their attorney and we'll work all of it out in the two weeks prior of City Council addressing those issues. **Kevin Rudd** stated they provided a new site plan, an aerial and there is a portion affected by Sensitive Lands. They met Tuesday at 8:30 and approved the project and it is in compliance. The maximum area you can disturb is 30% and it is mainly on the right side of the development but it is just over 20% and well under the 30%. Chuck Gillette has reviewed this as well. The Sensitive Lands and TRC has reviewed it and it is in compliance. Sentierre provided a nice rendition of the resort. **Chairman Jeff Loris** inquired if there were any questions? **Kevin Rudd** stated the Villas will all be sprinklered. **Dale Coulam** stated that is per fire code. **Chairman Jeff Loris** opened the Public Hearing. **Lisa Rutherford** stated that the Sensitive Lands Committee reviewed this and she was concerned how they will control and stay confined in that area of disturbance. The discussion is they will flag off the area and delineate that. **Kevin Rudd** stated absolutely. Sensitive Lands asked that they flag those out before building. Dale Coulam will put that into the development agreement as well. Hearing no other comments, **Chairman Jeff Loris** closed the Public Hearing

**F. Discuss and Consider Recommendation on a Proposed Preliminary Plan for 44 Single Family (Villas) Home Sites at Sentierre Resort at approximately 800 Tuacahn Dr. (42.75 Acres) Parkway Partners, LC-Owner/Applicant.**

**Chairman Jeff Loris** inquired if there were any questions? **Commissioner Lance Anderson** inquired how many phases there will be? **Brett Henke** stated the actual phasing will be determined by the development agreement. **Dale Coulam** stated it could be as few as one and then numbered to keep them straight as to which end: N-1 or S-1 and then increasing sequentially. **Commissioner Lance Anderson** inquired if we would require them to number the lots ahead of time or as they go? **Dale Coulam** stated they are numbered on the preliminary plan and they will be required to do that on the final as well. They will go sequentially around the

circle. It would also require the dual access and if they put in the loop parking access then they meet that requirement.

**MOTION: Commissioner Bryan Pack moved to approve the Proposed Preliminary Plan for 44 Single Family (Villas) Home Sites at Sentierre Resort at approximately 800 Tuacahn Dr. (42.75 Acres) Parkway Partners, LC-Owner/Applicant.**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

#### **5) DISCUSSION AND POTENTIAL ACTION ITEMS**

**A. Discuss and consider a recommendation for a special exception for a height increase to an architectural feature of Rocky Vista University.**

**MOTION: Commissioner Bryan Pack moved to approve suspension of the rules to allow discussion on 5A for a special exception for a height increase to an architectural feature of Rocky Vista University.**

**SECOND: Commissioner Adel Murphy**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

**Kevin Rudd** stated that Chapter 28 of the Zoning Ordinance is titled Special Exceptions. It grants the City Council to some limited special exceptions. One of them is authority to grant height increase on commercial buildings greater than 35 feet. The back side of the entrance feature is about 44 feet. In our design guidelines the Planning Commission wrote in a view angle requirement along Center Street looking towards Red Mountain. This building fits within that view angle. The building is set back 100 feet and the front of the feature is 160 feet back. It is well below the view angle. It is about 35 feet wide looking at Center Street entrance. Staff feels it meets the intent of design guidelines and recommends granting the increase. **Chairman Jeff Loris** inquired if there were any questions? **Commissioner Bryan Pack** stated that it looks good and it doesn't affect health and/or safety. **Chairman Jeff Loris** inquired to see the elevations. He stated that this is a signature part of their entire University and they did this in the Colorado building as well. It has gone through all the commercial elements and it looks quite nice. The building would look like a block without it. It is a key point and feature and it would look great on Center Street. It is a focal point of the City and it is a nice feature. **Commissioner Bryan Pack** inquired about the need to make specific findings. **Dale Coulam** stated that Chairman Jeff Loris just did a nice job of outlining the findings. The Commission could just base their motion on those findings. **Commissioner Lance Anderson** inquired what the colors are in Colorado? **Katie Cando** stated they are sage and yellow, metal panels, shinier surfaces. It is snow country there. **Commissioner Lance Anderson** stated he is worried if it will stand out or not. There are a lot of grays in blacks in here. **Dale Coulam** stated that it meets our requirements and our color palette.

**MOTION: Commissioner Bryan Pack moved to approve recommendation for a special exception for a height increase to an architectural feature of Rocky Vista University.**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

**B. Discuss and consider approval on a proposed Final Plat for Taviawk Subdivision XI-L. Lance Anderson-Applicant.**

**Kevin Rudd** stated that TRC has reviewed this and it is in compliance. Staff brings it forward for approval.

**MOTION: Commissioner Bryan Pack moved to approve a proposed Final Plat for Taviawk Subdivision XI-L. Lance Anderson-Applicant.**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	ABSTAIN

**C. Discuss and consider approval on a proposed Final Plat for Taviawk Subdivision IX-M. Lance Anderson-Applicant.**

**Kevin Rudd** stated that this also is in compliance with the approved preliminary plan. TRC has reviewed this and staff brings it forward for approval. **Chairman Jeff Loris** stated that the point of beginning NE is off but it does not need a stipulation for this.

**MOTION: Commissioner Adel Murphy moved to approve a proposed Final Plat for Taviawk Subdivision IX-M. Lance Anderson-Applicant.**

**SECOND: Commissioner Bryan Pack**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	ABSTAIN

**D. Discuss and Review Zoning OrdinanceText.**

**Kevin Rudd** stated if there were things that the Planning Commission would want to make a Class II Conditional Use Permit; he issues those permits but first goes to TRC and gets their comments. Is a Public Hearing needed on some of these items is the question. **Commissioner Lance Anderson** stated that he likes the idea to eliminate some confusion. **Dale Coulam** further stated that he and Kevin Rudd attended the Land Use Conference in Salt Lake City and subdivisions are entirely administrative that do not require public hearings. Ivins City requires two public hearings and it invites public clamor and confusion. On a Conditional Use Permit you sometimes get some evidence to mitigate against adverse consequences. But on subdivisions if

they meet the ordinances they are purely administrative decisions. This law has been in effect for ten years and at the Land Use Conference it was strongly suggested that if city ordinances haven't been change to reflect that then they should be. Public comment is appropriate in legislative actions but in a purely administrative act it serves no purpose and it confuses the public thinking they can stop something when really it meets the requirements. Dale Coulam further stated that the public hearing should be before the deciding body. **Commissioner Mike Scott** stated that he thinks it is a great idea and most times the Planning Commission can't do anything but approve and people go home frustrated but the ordinances are being followed. **Chairman Jeff Loris** stated that bonus offers would still need a discussion. **Dale Coulam** commented also that casitas are purely a mathematical calculation and are administrative.

**E. Discuss and consider approval of the Ivins City Planning Commission minutes for October 13, 2015.**

**Chairman Jeff Loris** stated that the item regarding Posovi Phase II-F has that Commissioner Lance Anderson voted, but he actually abstained.

**MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for October 13, 2015, with changes.**

**SECOND: Commissioner Adel Murphy**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE

**6) REPORTS**

**A. Planning Commission-None.**

**B. Chairman-None.**

**C. Building & Zoning Administrator, Kevin Rudd**

**Kevin Rudd** stated that the City received an application to amend a zoning ordinance for an RV Park. The property own has submitted an application and this will require a Public Hearing. The owner/applicant wants a firm answer.

**D. City Attorney, Dale Coulam**

**Dale Coulam** stated that we will be having annual training on Open Meetings December 15th and the Commission would also consider next year's meeting calendar. The Ivins City Christmas party is December 8th at the Santa Clara City Hall at 6 pm.

**E. Items to be placed on future agendas-None.**

**7) ADJOURNMENT**

**MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT**

**SECOND: Commissioner Mike Scott**

**VOTE: The motion carried.**

Chairman Jeff Loris	AYE
Commissioner Lance Anderson	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE